

1 STEVEN G. KALAR  
Federal Public Defender  
2 DIANA A. GARRIDO  
Assistant Federal Public Defender  
3 160 West Santa Clara Street  
Suite 575  
4 San Jose, CA 95113  
Telephone: (408) 291-7753  
5  
Counsel for Defendant KENNEDY  
6

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR 12-00783 LHK
	)	
11 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING DATE
12 vs.	)	AND EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
13 LEO JOSHUA KENNEDY,	)	
	)	
14 Defendant.	)	
	)	
15 _____	)	

16 The defendant, Leo Joshua Kennedy, represented by Assistant Federal Public Defender  
17 Diana A. Garrido, and the government, represented by Assistant United States Attorney Jeffrey  
18 B. Schenk, hereby stipulate that, with the Court's approval, the status conference currently set  
19 for Wednesday, January 9, 2013 at 9:00 a.m., shall be continued to Wednesday, February 13,  
20 2013 at 9:00 a.m.

21 The continuance is requested to provide both defense counsel and the government with  
22 additional time to review discovery and to negotiate an appropriate resolution. The continuance  
23 would provide both parties with the reasonable time necessary for effective preparation.  
24 Accordingly, both parties respectfully request that the time between January 9, 2013 and  
25 February 13, 2013 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and  
26 (B)(iv).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Dated: December 19, 2012

STEVEN G. KALAR  
Federal Public Defender

/s/  
DIANA A. GARRIDO  
Assistant Federal Public Defender

Dated: December 19, 2012

MELINDA HAAG  
United States Attorney

/s/  
JEFFREY B. SCHENK  
Assistant United States Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

~~PROPOSED~~ ORDER

Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that the time between January 9, 2013 and February 13, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: December 28, 2012

  
\_\_\_\_\_  
THE HONORABLE LUCY H. KOH  
United States District Judge